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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,039	02/26/2004	Gary P. Mousseau	P1647US00	2929

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CANADA

EXAMINER

VU, MICHAEL T

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/786,039

Applicant(s)

MOUSSEAU, GARY P.

Examiner

Michael Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-14,19,21-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-14,19,21-23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/20/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's Remarks/Arguments filed January 19, 2007, have been fully considered but they are not persuasive.
2. On page 2 of Applicant's Remarks, Applicant argues that Kashima does not disclose "said notification profile is selected by said microcomputer based on said string or text appearing in said calendar event" on page 25, lines 8-11. And Applicant argues that there is no reference in Kashima, either express or implicit, to a "text string" forming part of a trigger context. A "text string" can be defined in order to be part of the reminder alert". And there is no teaching and suggesting in Kashima that "a notification profile is selected (e.g. an alert tone, or absence thereof, for an incoming call) based on a String of text appearing in said calendar event" on page 2, line 21-26 to page 3, line 1.
3. In response, the examiner has been carefully reviewed the Applicant's Remark. However, based on the background of Kashima teaches a portable electronic device such as cellular phone and personal digital assistant (PDA) have some form of Scheduler application that programmed by a user to provide to be an audible alert and/or the display of text or an icon in a display (See paragraph [0002]).

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4. As an Examiner broadly interpreted as based on the claim language that each of electronic device such as cellular phone, and PDA provide a ring pattern, volume, or other notification, e.g., alarm, and/or alert (as well known in the art that a microprocessor, processor and/or memory are selected), each of device has a memory that stored the notification profile and/or value can be associated with a scheduler application contain information relating to one or more user preferences regarding how to receive a notification of an incoming communication or an event alarm or alert. The notification profile can contain general instructions, which can act as default notification instructions. The notification profile can also include details relating to providing a notification during a specified time period associated with a schedule event. For example, if a scheduler application used to produce a reminder message to "Need to go to the bank, and Take Medicine" (These are text strings) a user can specify instructions relating how to provide notification during the scheduled time and/or location [0015, 0028-0030, 0035, 0039-0042], and claims 1-32.

5. On page 2 of Applicant's Remarks, Applicant argues that Kashima does not disclose 'said microcomputer is operable to execute said voicemail application and said electronic device includes a storage device for storing said communication when said communication is directed to voicemail application" on page 3, lines 11-14.

6. In response, the examiner has been carefully reviewed the Applicant's Remark. However, the examiner must give the broadest reasonable interpretation to all claims

presented that Kashima teaches the process performed by the portable electronic device 10 in FIG. 2., this process is controlled by the processor 12. The processor 12 is typically the Control Processor Unit (CPU) of the portable electronic device. The Computer program instructions that are stored in memory 14 provide the described functionality when loaded into the processor 12 (See paragraphs [0019-0035]). And further teaches a cellular phone transceiver that is capable of transmitting and receiving data from the remote server that stored in a memory, and control by a CPU, in which control means for determining when a detected value satisfies a rule involving a stored value for the same context parameter and/or link and for controlling the user interface to provide an alert (This is well known skilled in the art, see Paragraph [0002, 0007, 0024-0027]).

7. Furthermore, Harris teaches a wireless communication includes mobile stations (MS) and controller that anticipate that mobile station is likely to be a target of communication when controller receives an indication that messaging associated with MS has been recently accessed or receives an indication that the MS is in an active messaging mode. Messaging associated with the MS includes messaging such as short message service (SMS) messaging, voice mail messaging, e-mail messaging, presence messaging, and Caller ID messaging, based on the network interface that provided (See paragraph [0030]).

Therefore, the argued limitations are the same as disclosed by the reference or the limitations are written broad such that they read on the cited art, rejections are maintained as repeated below:

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-2, 4-6, 9-1419, 21-23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kashima (US 2005/0136903).

Regarding **claims 1 and 25**, Kashima teaches a method an electronic device (Electronic Device #10) for receiving live communications (schedule/remind/alert message [0002]) comprising: a microcomputer (Processor #12) configured to execute an application for scheduling a calendar event [0038-0039]; said calendar event having a notification profile associated therewith (alert user, [0002]); said microcomputer further configured to process said notification profile to determine whether to accept a live communication during said scheduled calendar event [0002-0010]; said microcomputer further arranged to execute a separate notification profile settings application to enable a user to associate with said calendar event a notification criterion [0015-0022]; said

notification criterion including a string of text that is established by a user [0002-0022]; said notification criterion indicative of said notification profile associated with said calendar event [0038-0039]; said notification profile being defined within said separate notification profile settings application [0020-0042]; such that said notification profile is selected by said microcomputer based on said string of text appearing in said calendar event [0015-0042].

Regarding **claim 2**, Kashima teaches the device of claim 1 wherein if said live communication is not accepted during said scheduled calendar event then said communication is directed to a message application [0015-0042].

Regarding **claim 4**, Kashima teaches the device of claim 2 wherein said message application is a voicemail application [0015-00-0042].

Regarding **claims 5 and 10**, Kashima teaches an electronic device (Electronic Device #10) for receiving live communications (schedule/remind/alert message [0002]) comprising: a microcomputer (Processor #12) configured to execute an application for scheduling a calendar event [0038-0039]; said calendar event having a notification profile associated therewith (alert user, [0002]); said microcomputer further configured to process said notification profile to determine whether to accept a live communication during said scheduled calendar event [0002-0010]; said microcomputer further arranged to execute a separate notification profile settings application to enable a user to associate with said calendar event a notification criterion [0015-0022]; said notification criterion including a string of text that is established by a user [0002-0022]; said notification criterion indicative of said notification profile associated with said calendar

event [0038-0039]; said notification profile being defined within said separate notification profile settings application [0020-0042]; wherein if said live communication is not accepted during said scheduled calendar event then said communication is directed to a message application [0015-0042]; wherein said microcomputer is operable to execute said voicemail application and said electronic device includes a storage device for storing said communication when said communication is directed to said voicemail application [0015-0042].

Regarding **claim 6**, Kashima teaches the device of claim 1 wherein said notification profile for said scheduled calendar event is additionally based on at least one criterion that is associated with said live communication [0015-0042].

Regarding **claim 9**, Kashima teaches the electronic device of claim 1 wherein said device is selected from rite group consisting of a cell phone, a smart telephone, a desktop computer or a laptop having telephony equipment, a personal digital assistant with cell phone features, and a personal digital assistant with wireless broadband communications (Fig. 1, 0015-0026)).

Regarding **claim 11**, Kashima teaches the method of claim 10 wherein if said live communication is not accepted then said communication is directed to a message application (Fig. 1, [0015], directed to Phone/PDA).

Regarding **claim 12**, Kashima teaches the method of claim 10 wherein said live communication is any of a telephone call, an instant message service message or an email [0015-0042].

Regarding **claim 13**, Kashima teaches the method of claim 11 wherein said message application is a voicemail application [0015-0042].

Regarding **claim 14**, Kashima teaches the method of claim 11 wherein said notification profile said scheduled calendar event is additionally determined from a criterion that is associated with said live communication [0015-0042].

Regarding **claim 19**, Kashima teaches the method of claim 10, including executing the separate notification profile settings application so as to select as said notification criterion for the scheduled calendar event one of a plurality of notification criteria, said plurality of criteria being indicative of different, respective notification profiles [0015-0042].

Regarding **claim 21**, Kashima teaches the method of claim 10, including the steps of: determining in a messaging application a time of receipt of said live communication [0002]; determining in a calendar application whether said time of receipt is during the scheduled calendar event [0002-0003]; if said time of receipt is during said calendar event [0002-0003], then examining said calendar event for then criterion indicative of the notification profile for indicating how said communication is to be routed [0002-0011], and instructing said messaging application to route said communication to a message service if said calendar event notification profile designates routing to said message service or instructing said messaging application to accept said communication as a live communication if said calendar event so designates [0015-0042].

Regarding **claim 22**, Kashima teaches the method of claim 10, including the steps of if said time receipt is not during a calendar event then examining said notification profile settings application to determine how said communication is to be routed [0002-0011], and from said profile settings application, instructing a messaging application to route said communication to a message service if said profile settings application designates routing to said message application or instructing said messaging application to accept said communication as a live communication if said profile settings application so designates [0015-0042].

Regarding **claim 23**, Kashima teaches the device of claim 1 wherein the microcomputer is arranged: to execute the separate notification profile settings application to enable, said user to select as the notification criterion for the scheduled calendar event one of a plurality of notification criteria, each one of said plurality of notification criteria including a unique string of text that is established by said user; said plurality of criteria being indicative of different respective notification profiles (Figs. 1-2, [0015-0042]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashima in view of Harris (US 2005/0009547).

Regarding **claim 3**, Kashima teaches the device of claim 1 wherein said live communication is selected from the group consisting of a voice telephone call,

but Kashima does not mention on an instant message service message, and a push-to-talk call.

However, Harris teaches a method and apparatus that includes an instant message service and push-to-talk call [0011-0015].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kashima, such that an instant message service message, and a push-to-talk call, to extend the service such as images, streaming video, text messaging and multimedia.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael T. Vu

Examiner

JEAN GELIN
PRIMARY EXAMINER

